



EYEWITNESS IDENTIFICATION

Directive: 14 – 105

Date of Issue: July 2013 Amends/Cancels: G.O. 13-02

I. PURPOSE

The purpose of this Directive is to establish guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, Section 3-505.

II. POLICY

All members of DGS-MCP will strictly adhere to the procedures set forth in this Directive.

III. INTRODUCTION

Eyewitness identification is one of many tools used by law enforcement in the investigation of a crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding officer may not be the first person to interview a witness. Reporting persons are considered witnesses. They may have been interviewed once (albeit briefly) by a PCO or Security Officer and should be re-interviewed by police personnel. All DGS-MCP personnel should be familiar with this Directive to ensure as much accurate information as possible is gathered during the initial report.

IV. DEFINITIONS

- A. **MUG BOOK:** A collection of photographs of previously arrested individuals known or suspected to be involved in certain type crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.
- B. **COMPOSITE:** Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Indenti-Kit which features a variety of different facial features.
- C. **SHOW-UP:** The display of a single suspect to a witness in an effort to obtain identification.
- D. **PHOTO LINE UP:** A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

- E. LIVE LINE UP: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

V. PROCEDURES

- A. Members of DGS-MCP will avoid any action that would be unduly suggestive during any eyewitness identification process.
- B. All eyewitness identification will be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
- C. A criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.
- D. A witness will participate in one and only one type of eyewitness identification.

The types of eyewitness identification are:

- 1. Viewing a Mug Book
 - 2. Participating in the preparation of Composite
 - 3. Participating in a Show Up
 - 4. Participating in a Live Line Up
 - 5. Viewing a Photo Line Up
- E. Any identification or nonidentification, of a suspect will be documented in writing along with any comments by the eyewitness concerning the identification or nonidentification.
- F. Any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.